IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 12182 of 2007(A)

OS.316/2002 of MUNSIFF COURT, HOSDRUG
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PETITIONER:

SREE KAMMADATH BHAGAVATHY KSHETHRAM,
P.O.MANDAPAM, BHEEMANADY VILLAGE,
HOSDURG TALUK, REPRESENTED BY EXECUTIVE OFFICER.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS:
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1. KURIAKOSE KURIALAPUZHA, AGED 65 YEARS,
S/O.OUSEPH, RESIDING AT KAMMADAM,
BHEEMANADY VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

2. KAMMADATH SREE BHAGAVATHY KSHETHRAM
PUNARUDHARANA COMMITTEE HAVING ITS OFFICE AT
MANDAPAM, BHEEMANADY VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT, REPRESENTED BY CHAIRMAN.

3. EDAYILIOM KARUNAKARAN NAMBIAR,
AGED 68 YEARS, RESIDING AT BALAL,
BALAL VILLAGE & P.O., HOSDURG TALUK,
KASARAGOD DISTRICT.

4. K.N.RAMARAJAN NAIR, AGED 45 YEARS,
RESIDING AT GOWRI SADANAM, KAMMADAM,
BHEEMANADY VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

5. P.K.KUNHAMBU NAMBIAR,
S/O.KUNHAMBU NAMBIAR, RESIDING AT KAMMADAM,
BHEEMANADY VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

BY ADV. SRI.K.GOPALAKRISHNA KURUP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 12182/2007 A

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE APPLICATION IN IA NO. 1222/07 IN IA NO.1154/07 IN OS NO. 316/02.

EXT.P2. COPY OF THE ORDER OF THE COURT OF MUNSIFF HOSDURG DT. 26/3/07 IN IA NO. 1222/07 IN IA NO. 1154/07 IN OS NO. 316/02.

EXT.P3. COPY OF THE ORDER DISMISSING THE IMPLEADING APPLICATION AS IA NO. 1154/07 IN OS NO. 316/02 ON THE FILE OF THE COURT OF MUNSIFF, HOSDURG DT. 26/3/07.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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M.N.KRISHNAN, J

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W.P.(C) No.12182 OF 2007

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Dated this the 9th day of August 2007

JUDGMENT

This writ petition is filed to set aside Exts.P2 and P3. There was a direction by the court to pay costs. Since there is default in payment, I.A.No.1154 of 2007 was dismissed. A similar matter came up for consideration before me in W.P.(C)No.13235 of 2007 where I observed that the writ petitioner, being an Executive Officer of a department, cannot make payment from his pockets and the court below should have granted time for him to make the payment. Similar is the situation here as well.

Therefore the writ petition stands allowed and the petitioner is directed to deposit an amount of Rs.250/- within 15 days from today and I.A.No.1154 of 2007 thus stands allowed. Thereafter the plaintiff shall amend the plaint and the impleaded defendant shall file written statement at the earliest.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-